



ERIC BLEICKEN

DAS

24 September 2005

Charlema R. Grant
Petitions Attorney
Office of Petitions
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Petition
Randolf Building
401 Dulany Street
Alexandria, Va. 22314

RE: Application No. 10/669,407

RENEWED PETITION UNDER 37 CFR 1.137(b)

Dear Ms. Grant,

Please find my Petition for Revival of an Application Abandoned Unintentionally Under 37 CFR 1.137(b) and the enclosed a check in the amount of \$650.00 in accordance with your letter dated 23 August 2005. I submitted a check for \$100.00 with my previously filed Petition to Revive.

In accordance with your advice, please also find a copy of my Form # 61 Petition for Revival of an Application for Patent Abandoned unavoidably under CFR 1.137(a). If this petition is accepted then I respectfully ask that the USPTO refund \$500 to me, as the fee for this petition is \$250.

Sincerely,

Eric Bleicken

6301 South Westshore Boulevard, Apt 1020
Tampa, FL 33616
(305)433- 2264 h (774)212- 0497 c
ebleicken@tampabay.rr.com



**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

First named inventor: *ERIC VAUGHN BLEIKEN*

Application No.: *10/669,093*

Art Unit: *3617*

Filed: *09/25/2003*

Examiner:

Title: *BOW FACING ROWING SYSTEM*

STEPHEN AVILA
PRIMARY EXAMINER

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

|| Adjustment date: 10/04/2005 SHASSEN1
08/04/2005 MBERHE 00000003 10669407
01 FC:1461 -100.00 DP

10/04/2005 SHASSEN1 00000001 10669093
01 FC:2453 750.00 DP

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☒ Small entity-fee \$ 750⁰⁰ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27
* CHECK ENCLOSED \$650⁰⁰ - \$100 SUBMITTED PREVIOUSLY

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____ (identify type of reply):

☐ has been filed previously on _____
☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____

☐ has been paid previously on _____
☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Adjustment date: 01/13/2006 CKHLOK
10/04/2005 SHASSEN1 00000001 10669093
01 FC:2453 -750.00 DP

01/13/2006 CKHLOK 00000001 10669407
250.00 DP
01 FC:2452
02 FC:1999

3. Terminal disclaimer with disclaimer fee

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Signature

Date

Typed or printed name

Registration Number, if applicable

Address

Telephone Number

Address

Enclosures: ☒ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

Date

Signature

Typed or printed name of person signing certificate



**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)**

Docket Number (Optional)

First Named Inventor: *ERIC VAUGHN BLEICKEN*

Art Unit: *3617*

Application Number: *10/669,093*

Examiner:

Filed: *09/25/2003*

STEPHEN AVILA

Title: *BOW FACING ROWING DEVICE*

PRIMARY EXAMINER

Attention: Office of Petitions
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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact
Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.

NOTE: A grantable petition requires the following items:

- (1) Petition fee.
- (2) Reply and/or issue fee.
- (3) Terminal disclaimer with disclaimer fee-required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay.

1. Petition fee

☐ Small entity - fee \$ *750.00* (37 CFR 1.17(l)). Applicant claims small entity status.
See 37 CFR 1.27.

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(l)).

2. Reply and/or fee

A The reply and/or fee to the above-noted Office action in the form of _____ (identify the type of reply):

☐ has been filed previously on _____.

☐ is enclosed herewith.

B The issue fee of \$ _____

☐ has been filed previously on _____.

☐ is enclosed herewith.

[Page 1 of 3]

This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

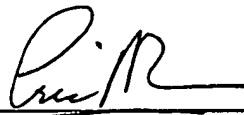
**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

3. Terminal disclaimer with disclaimer fee

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.



Signature

17 Sep 2005

Date

ERIC V. BLEICKEN

Typed or printed name

Registration Number, if applicable

6301 S. WESTSHORE BLVD APT 1020

Address

(774) 212-0497

Telephone Number

TAMPA, FL 33616

Address

- Enclosure ☐ Fee Payment
- ☐ Reply
- ☐ Terminal Disclaimer Form
- ☐ Additional sheets containing statements establishing unavoidable delay
- ☐ _____

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is being:

- ☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

- ☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 272-8300.

9/27/05

Date



Signature

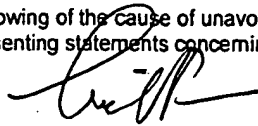
ERIC V. BLEICKEN

Typed or printed name of person signing certificate

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.



Signature

24 Sep 2005

Date

ERIC V BLEICKEN

Typed or printed name

Registration Number, if applicable

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

SEE ATTACHED

(Please attach additional sheets if additional space is needed.)



Mr. Bleicken's Petition to Revive was dismissed in a letter mailed 23 August and signed by Petitions Attorney Charlema R. Grant. The dismissal appears to focus on the timeframe between 12 October 2004 and 11 April 2005. The 12 October 2004 notice had allowed one month to reply and the reply was received by USPTO on 12 November 2004 and mailed to Tanya McBride.

Petitioner, Eric V. Bleicken, respectfully asserts that his failure to file certain documents in a timely manner resulted from his relying on alleged inaccurate information provided by USPTO personnel and one USPTO notice that was not received. Additionally, out of the many notices received during this whole process, only the last notice from Ms. Grant (23 August 2005) had a date of mailing stamped on it. Mr. Avila's Notice of Abandonment (7/21/05) did have a written date in the lower corner. All others had no date and Mr. Bleicken has no record of receiving a 23 February 2005 Notice of Non-compliance referenced in Ms Grant's letter. Although it seems that Mr. Bleicken's April 23, 2005 response would fall within the two-month limit.

A note on the original filing is in order. When Petitioner originally filed his patent application in September 2003 he discovered the following day that he had failed to enclose his application fee with the application. He immediately contacted the USPTO on the telephone and asked for advice.

He was eventually routed to an attorney (name unknown who could answer his questions. Mr. Bleicken was advised that he could not mail the check separately because there was no means to bring it together with his previously mailed patent application. He was also told that he could not recover that Patent Application. He was advised to simply submit the whole application again with the check enclosed. The application without the check would eventually become abandoned.

No definitive notice ever came that clearly demonstrated that the first application was abandoned and that has plagued this entire process with unsurity.

Mr. Bleicken did speak Primary examiner Stephen Avila before mailing his Reply to Office Action (received 7 April 2005) and Ms. Avila assured him that he was meeting the deadline. Mr. Bleicken called Mr. Avila a few days later to tell him that he was moving to Tampa, Florida. Mr. Avila said that his office was also involved in a move but that he had received my response and everything was in order. He noted that the claims looked good and that the patent process should be complete within a couple of weeks.

Mr. Bleicken relied on this conversation and patiently waited until 11 May 2005 to send Mr. Avila a letter giving him his new address. On 11 July 2005 Mr. Avila sent Mr. Bleicken another Notice of Abandonment. Mr. Bleicken called Mr. Avila to try and determine what had happened. Mr. Avila explained that that was something decided in another office over which he had no control. Mr. Bleicken filed a petition to revive on July 28th.

Mr. Bleicken, who is not an attorney, has not been able to determine if one or more of the Notices of Abandonment relate to the first application that he mailed or that the various examiners (Mr. Avila, Ms McBride and Ms. Grant) may also be a function of this initial problem.

Mr. Bleicken has been diligent in his attempts to timely file his documents to comply with USPTO regulations but because of at least one notice not received, inaccurate information provided by USPTO personnel and what is apparently an inability